

Appln 10/617,038
Response to OA dated 10/26/2005
1/18/2006

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 6A and 6B. This sheet, which includes Figs. 6A and 6B, replaces the original sheet including Figs. 6A and 6B. In Figures 6A and 6B, the depiction of the “g” in IFNg and pg have been made consistent with the font used for “g” in the other figures.

Attachment: Replacement Sheet Annotated Sheet Showing Changes

REMARKS

Claims 1 – 10, 12, 13, and 16 – 22 are pending. Claims 11, 14 and 15 have been cancelled. Claims 1-5 and 18-22 are withdrawn. Claims 10 and 13 are objected to.

The drawings have been corrected so that the font of the letter “g” in “IFNg” and “pg” are consistent with the other drawings.

The priority statement at the beginning of the specification has been amended to cite the priority claim to the foreign document. Since this priority claim was timely made in the Application Data Sheet and the priority claim is under 35 USC §119 rather than under 35 USC §120, inclusion of this should be unnecessary. However, Applicant has complied.

With respect to Turner et al., the reference was readily available to one of ordinary skill in the art, J. Turner et al, Infect and Immunity, 2000, p. 1706-1709.

The disclosure has been objected to as containing an embedded hyperlink and/or other form of browser-executable code. This subject matter is not essential subject matter, and merely provides a duplicate source of publicly available information for the reader. However, in order to avoid the problems associated with inclusion of a hyperlink in a published patent application, applicants have replaced the specific hyperlink by indicating an on-line source is also available.

The disclosure has been amended to correct minor clerical errors identified by the examiner. With respect to page 33, paragraphs 5 and 6, applicants believe that paragraph 5 refers to a method of treating, whereas paragraph 6 refers to a method of immunizing. Therefore, the two paragraphs are not identical.

With respect to page 39, line 30, the reference to Merrifield is located in the reference list on pages 63-65.

Applicant could not locate any error located on page 56, line 1. Guidance is requested. Alternatively, an examiner’s amendment is authorized for any instance where an “e” is clearly missing from the term “primer”.

No new matter is added by this amendment.

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I. Claims 6-17 have been rejected under 35 USC 112, first paragraph, as being non-enabling for a vaccine against tuberculosis comprising the nucleic acids encoding the polypeptides.

The claims have been amended to remove reference to nucleic acids, without prejudice to this subject matter being pursued in a continuation application. This amendment renders this rejection moot.

II. Claims 6-8 have been rejected under 35 USC 102(b) as being anticipated by Eisenberg et al, WO 01/35317.

Eisenberg describes in silico tests of sequences which are essential for growth. These sequences are described as potential targets for a drug. There is no teaching of the use of these sequences in an immunogenic composition or therapeutic fragment.

Reconsideration and withdrawal of this rejection is requested.

Please charge any deficiency in the fee to our deposit account number 08-3040.

Respectfully Submitted,
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Annotated Marked-up Drawings

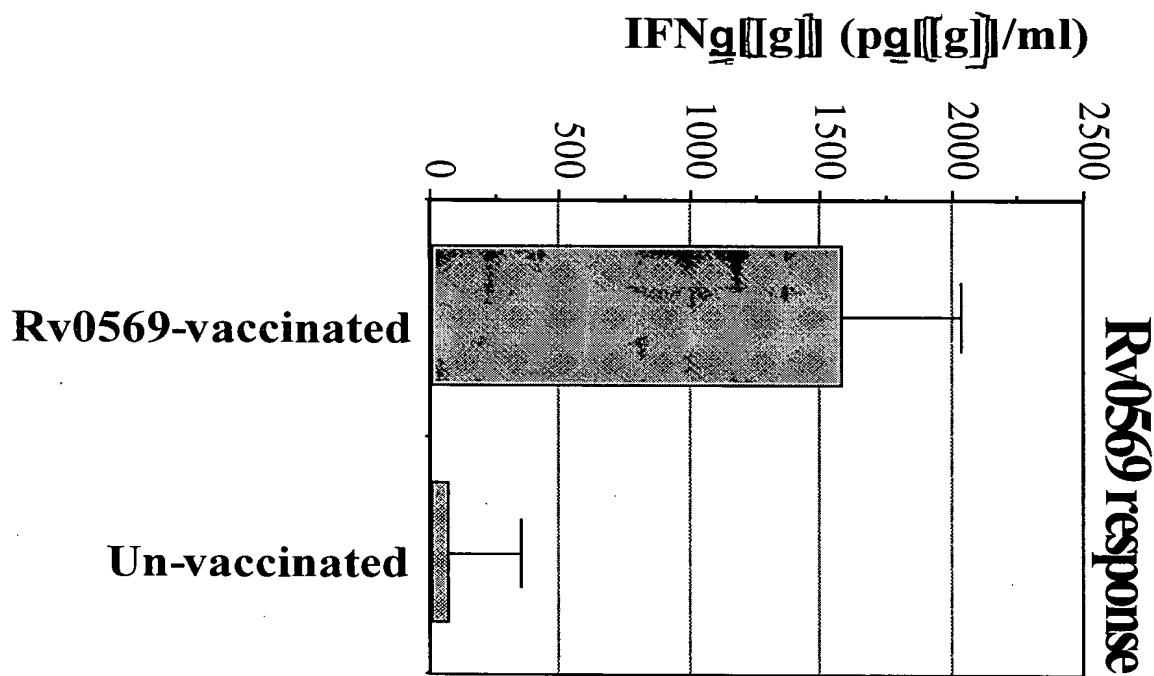


Fig. 6A

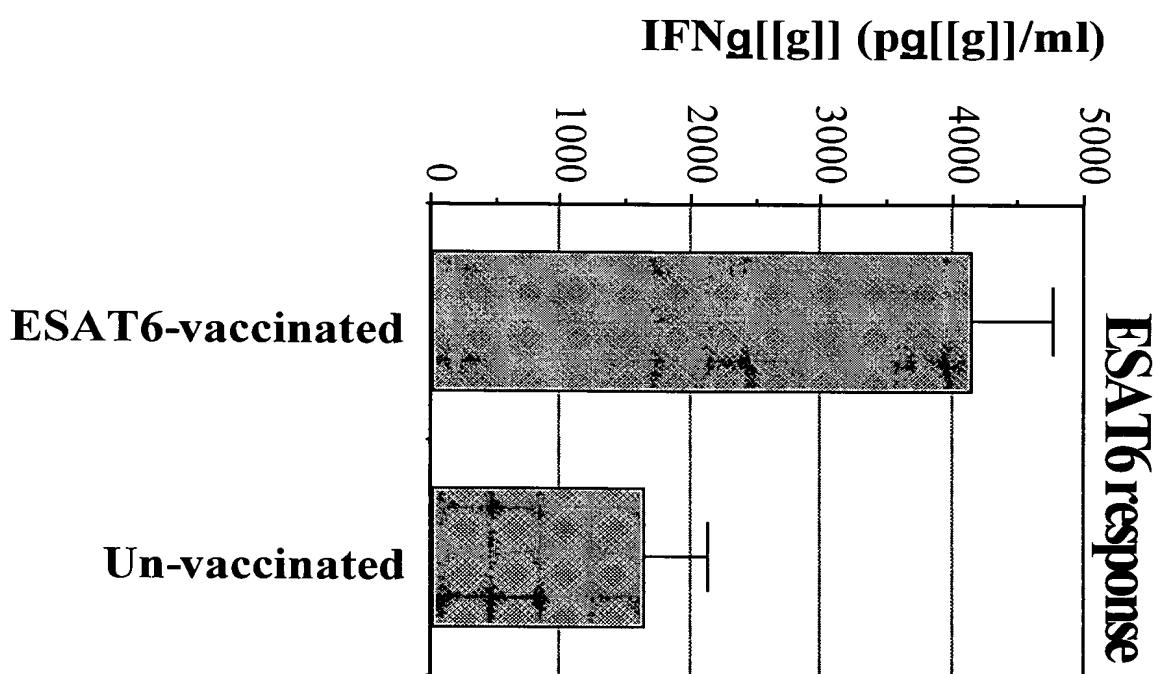


Fig. 6B